

COMMISSION ON COMMON OWNERSHIP COMMUNITIES
 Minutes of the Monthly Meeting
Via Zoom Audio-Visual Conference
Wednesday May 5, 2021

The monthly meeting of the Commission on Common Ownership Communities was called to order at 7:03 pm by Chairman Mark Fine. The Chairman apologized to the attendees for the late start to the meeting as we were waiting on 8 Commissioners to make quorum.

Commissioners present: [09] ANDERSON, FINE, GARDNER, GELFOUND, MOORE, MURTHY, MYO KHIN, SMITH, STEINBACH.

Commissioners absent: WALKER, (5 vacancies)

Staff present WALTER WILSON, ESQ. ASSOCIATE COUNTY ATTORNEY; Staff: Ife Fabio, Investigator, and Frank Demarais, Deputy Director

Guests: Christine Seabold, Susan Nerlinger, Jennifer Bennett, Del. Marvin Holmes and Eric Herron (COMMISSIONER'S IN WAITING), Panel Chairs, Jeffrey Hamberger, Esq., Rene Sandler, Esq., EX-OFFICIO RAND FISHBEIN, PhD, Jo Ellen Bilanin, Ginger Naglee, Tesh Diriba, Arthur Green, Jim Cagley, Esq., Phil Marks, Darren Williams, David Bernstein, Frank Luncheon, Hedy Ross, Helen Molla, Robert Bernstein, Ruchita Patel, Scott Silverman, Esq., Sharon Campbell, Steve Drake, Steve Lapham, Susan Mezey, Ursula Burgess, Esq.

1. **Approval of Minutes:** After discussion, Commissioner Anderson moved to approve the minutes of the April 2021 monthly meeting. Commissioner Smith seconding. The motion was approved by unanimous consent.
2. **Community Forum:** There was a continuation of last months discussion on the need to improve staff assistance in helping homeowners find and navigate the CCOC website for documents to prepare for hearings. Commission Chair Fine asked Mr. Wilson, Esq. of the Office of the County Attorney (OCA) is so long as the staff of the Office of Common Ownership (OCOC) did not discuss the merits of the case with the caller (if a pending case), could the staff assist them with navigating where to find resources on the website or answer generic questions they had. Mr. Wilson said as long as the subject matter was not about the "case", that would be fine.

3. **Submission of disputes for Commission consideration: Jurisdiction – Default cases:**

NONE

4. **Jurisdiction - Contested cases:**

- a. **#2021-041, David Bernstein v. University Towers Condominium.**– Commissioner Gelfound moved to **DENY** jurisdiction and Commissioner MYO KHIN seconded the motion. After discussion, **the motion to deny was carried by the Commission**, (Commissioners Gelfound, Murthy, Anderson, and

Myo Khin voting to deny) with **Commissioner Chair Fine** recusing. **NOTE: Commissioner Gardner was not present for this case and arrived during the discussion of the next case)**

- b. **#2021-055, Williams v. Council of Unit Owners, The Greens II of Leisure World - Commissioner Myo Khin** moved to **ACCEPT** jurisdiction and **Commissioner Anderson** seconded the motion. After a lengthy discussion between Commissioner Gardner and The Chair over the package, and Commissioner Gardner being unable to open the package, Commissioner Gardner stated he would need to abstain. In addition, the discussion centered on why the case did not go to mediation. It was explained that there were motions in the file that needed to be addressed by the Panel, and they could always order the case back to mediation, if they chose, after all discussion was ended, **the motion was carried by the Commission. Commission Chair Fine recused. Commissioner Gardner abstaining.**
- c. **#2021-044, Stephen Lapham v. Quail Ridge HOA - Commissioner Gelfound** moved to **DENY** jurisdiction and **Commissioner Anderson** seconded the motion. After discussion, **the motion was carried by the Commission. Commission Chair Fine recused as he was involved in the mediation.**
- d. **2021-034, Jo Ellen Bilanin v. Tanterra HOA -** Commissioner Myo Khin moved to **ACCEPT** jurisdiction and **Commissioner Anderson** seconded the motion. After discussion, **the motion was carried by the Commission.**
- e. **2021-036, 4620 N. Park Realty Trust v. 4620 N. Park Condominium Assoc.**– Commissioner Gelfound moved to **DENY** jurisdiction and **Commissioner Anderson** seconded the motion. After discussion, **the motion was carried by the Commission. Commission Chair Fine recused as he was involved in the mediation.**
- f. **2021-029, Arthur Green v. Inverness Forrest Association, Inc.**– **MOTION FOR RECONSIDERATION** Commissioner Gelfound moved to **DENY** the motion and **Commissioner Anderson** seconded. After discussion of no new evidence to support the reconsideration motion, **the motion to DENY was carried by the Commission. Commissioner Smith** voted against. **Commission Chair Fine** recused as he was involved in the mediation.

5. Decisions & Orders Issued:

- a. **#2020-050 Carl Brown v. Americana Finnmark Condominium.** Decision will be sent with next packet.

6. Decisions & Orders on Appeal:

- #2019-038, Kenny v. Council of Unit Owners of Cherington Condominium** – assigned to Administrative Appeal, Judge Lease. Distributed later that evening by email.
- #2021-004, O'Neill v. 8101 Connecticut Avenue Condominium** (Oral Hearing on June 9, 2021)

- 7. **County Attorney's report:** Advised Commission that amended 10-B was being circulated for distribution prior to presentation to the CE and Council.

- 8. **DHCA status report:** The financial report case statistics for April 2021 was attached and discussed.

9. Chairman's Report:

The report is attached to this package. The Chair reported that the Executive Committee met earlier in the evening with a representative of the City of Gaithersburg and unanimously to have the Commission Chair

call for the vote to continue forward with the City of Gaithersburg coming under the jurisdiction of 10-B, no later than 7-1-21, pending the vote of the City Council on 5/17/21. Commissioner Gelfound seconded the motion, and it passed by acclamation. Commissioners Fine and Gelfound will work out the transition details with DHCA and the City of Gaithersburg, assisted by the Executive Committee

10. Committee reports:

- Education Outreach Committee – None
- Executive Committee – The committee met just prior to the Commission meeting to discuss the City of Gaithersburg proposal. The Committee voted favorably to move the action forward to the full Commission

11. Old Business

- none

12. New Business-

- none

13. Adjournment: Meeting adjourned at 8:45 pm.

Next meeting: Wednesday, June 3, 2021 at 7:00pm via zoom